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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: S. NEIDLINGER et al.

Application No.: 09/961,196

Group Art Unit: 1761

Filed: September 21, 2001

Examiner:

For: SNACK PRODUCT

Attorney Docket No.: 88265-6544

**SUBMISSION OF NOTIFICATION (Form PCT/IB/304)  
CONCERNING TRANSMITTAL OF PRIORITY DOCUMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants have claimed priority of European application no. 99200914.2 filed March 24, 1999, under 35 U.S.C. § 119. In support of this claim, applicants submit herewith, a copy of Form PCT/IB/304) which acknowledges that a certified copy of said application was filed in the PCT counterpart, application no. PCT/EP00/01594, filed February 28, 2000.

No fee or certification is believed to be due for this submission. Should any fees be required, however, please charge such fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

Date: 12/19/01

  
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN  
200 Park Avenue  
New York, New York 10166-4193  
(212) 294-6700

Enclosure

## PATENT COOPERATION TREATY

*[Signature]*

## PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

WAVRE; Claude-Alain  
55, avenue Nestlé  
CH-1800 Vevey  
SUISSE

Date of mailing (day/month/year) 08 June 2000 (08.06.00)
Applicant's or agent's file reference NO 6544/WO 1
International application No. PCT/EP00/01594 ✓
International publication date (day/month/year) Not yet published
Applicant SOCIETE DES PRODUITS NESTLE S.A. et al

## IMPORTANT NOTIFICATION

International filing date (day/month/year) 28 February 2000 (28.02.00) ✓
Priority date (day/month/year) 24 March 1999 (24.03.99) ✓

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR" in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(e) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(e) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
24 Marc 1999 (24.03.99)	99200914,2	EP	10 May 2000 (10.05.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Tessade PAMPLIEGA <i>Tdp</i>
Facsimile No. (41-22) 740.14.96	Telephone No. (41-22) 398.83.38

**PCT****REQUEST**

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only  
**PCT/EP 00 / 01594**  
 International Application No.

**28 FEB 2000** (28.02.2000)  
 International Filing Date

EUROPEAN PATENT OFFICE  
**PCT INTERNATIONAL APPLICATION**  
 Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference  
 (if desired) (12 characters maximum) **NO 6544/WO 1**

**Box No. I TITLE OF INVENTION**  
**"SNACK PRODUCT"**

**Box No. II APPLICANT**

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

SOCIETE DES PRODUITS NESTLE S.A.  
 P.O. Box 353  
 CH - 1800 VEVEY

SWITZERLAND

This person is also inventor.

Telephone No.

++41 21 924 21 39

Facsimile No.

++41 21 924 28 80

Telexprinter No.

State (that is, country) of nationality:  
**CH**

State (that is, country) of residence:  
**CH**

This person is applicant  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

**Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)**

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

NEIDLINGER Sylke  
 12, Chemin de Chantemerle  
 CH - 1010 LAUSANNE

SWITZERLAND

This person is:

applicant only

applicant and inventor

inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:  
**DE**

State (that is, country) of residence:  
**CH**

This person is applicant  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on a continuation sheet.

**Box No. IV AGENT OR COMMON REPRESENTATIVE: OR ADDRESS FOR CORRESPONDENCE**

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:  agent  common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

WAVRE Claude-Alain  
 55, Avenue Nestlé  
 CH - 1800 VEVEY

SWITZERLAND

Telephone No.

++41 21 924 21 39

Facsimile No.

++41 21 924 28 80

Telexprinter No.

Address for correspondence Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Sheet No. ....

2

## Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

*If none of the following sub-boxes is used, this sheet should not be included in the request.*

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

MIKOTA Paul  
79, Route des Crêts Leyron  
CH - 1603 GRANDVAUX  
  
SWITZERLAND

This person is:

- applicant only  
 applicant and inventor  
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:  
ATState (that is, country) of residence:  
CH

This person is applicant for the purposes of:  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

HOULMANN Agnès  
10, Rue des Foulques  
CH - 1400 YVERDON-LES-BAINS

This person is:

- applicant only  
 applicant and inventor  
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:  
CHState (that is, country) of residence:  
CH

This person is applicant for the purposes of:  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only  
 applicant and inventor  
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only  
 applicant and inventor  
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:  all designated States  all designated States except the United States of America  the United States of America only  the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on another continuation sheet.

Sheet No. 3 . . .

## Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

## Regional Patent

- AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- EP European Patent: AT Austria, BE Belgium, CH and IS Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- OA OAPI Patent: BB Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> AE United Arab Emirates                  | <input checked="" type="checkbox"/> LR Liberia                                   |
| <input checked="" type="checkbox"/> AL Albania                               | <input checked="" type="checkbox"/> LS Lesotho                                   |
| <input checked="" type="checkbox"/> AM Armenia                               | <input checked="" type="checkbox"/> LT Lithuania                                 |
| <input checked="" type="checkbox"/> AT Austria                               | <input checked="" type="checkbox"/> LU Luxembourg                                |
| <input checked="" type="checkbox"/> AU Australia                             | <input checked="" type="checkbox"/> LV Latvia                                    |
| <input checked="" type="checkbox"/> AZ Azerbaijan                            | <input checked="" type="checkbox"/> MA Morocco                                   |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina                | <input checked="" type="checkbox"/> MD Republic of Moldova                       |
| <input checked="" type="checkbox"/> BB Barbados                              | <input checked="" type="checkbox"/> MG Madagascar                                |
| <input checked="" type="checkbox"/> BG Bulgaria                              | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BR Brazil                                |  |
| <input checked="" type="checkbox"/> BY Belarus                               | <input checked="" type="checkbox"/> MN Mongolia                                  |
| <input checked="" type="checkbox"/> CA Canada                                | <input checked="" type="checkbox"/> MW Malawi                                    |
| <input checked="" type="checkbox"/> CH and IS Switzerland and Liechtenstein  | <input checked="" type="checkbox"/> MX Mexico                                    |
| <input checked="" type="checkbox"/> CN China                                 | <input checked="" type="checkbox"/> NO Norway                                    |
| <input checked="" type="checkbox"/> CR Costa Rica                            | <input checked="" type="checkbox"/> NZ New Zealand                               |
| <input checked="" type="checkbox"/> CU Cuba                                  | <input checked="" type="checkbox"/> PL Poland                                    |
| <input checked="" type="checkbox"/> CZ Czech Republic                        | <input checked="" type="checkbox"/> PT Portugal                                  |
| <input checked="" type="checkbox"/> DE Germany                               | <input checked="" type="checkbox"/> RO Romania                                   |
| <input checked="" type="checkbox"/> DK Denmark                               | <input checked="" type="checkbox"/> RU Russian Federation                        |
| <input checked="" type="checkbox"/> DM Dominica                              | <input checked="" type="checkbox"/> SD Sudan                                     |
| <input checked="" type="checkbox"/> EE Estonia                               | <input checked="" type="checkbox"/> SE Sweden                                    |
| <input checked="" type="checkbox"/> ES Spain                                 | <input checked="" type="checkbox"/> SG Singapore                                 |
| <input checked="" type="checkbox"/> FI Finland                               | <input checked="" type="checkbox"/> SI Slovenia                                  |
| <input checked="" type="checkbox"/> GB United Kingdom                        | <input checked="" type="checkbox"/> SK Slovakia                                  |
| <input checked="" type="checkbox"/> GD Grenada                               | <input checked="" type="checkbox"/> SL Sierra Leone                              |
| <input checked="" type="checkbox"/> GE Georgia                               | <input checked="" type="checkbox"/> TJ Tajikistan                                |
| <input checked="" type="checkbox"/> GH Ghana                                 | <input checked="" type="checkbox"/> TM Turkmenistan                              |
| <input checked="" type="checkbox"/> GM Gambia                                | <input checked="" type="checkbox"/> TR Turkey                                    |
| <input checked="" type="checkbox"/> HR Croatia                               | <input checked="" type="checkbox"/> TT Trinidad and Tobago                       |
| <input checked="" type="checkbox"/> HU Hungary                               | <input checked="" type="checkbox"/> TZ United Republic of Tanzania               |
| <input checked="" type="checkbox"/> ID Indonesia                             | <input checked="" type="checkbox"/> UA Ukraine                                   |
| <input checked="" type="checkbox"/> IL Israel                                | <input checked="" type="checkbox"/> UG Uganda                                    |
| <input checked="" type="checkbox"/> IN India                                 | <input checked="" type="checkbox"/> US United States of America                  |
| <input checked="" type="checkbox"/> IS Iceland                               |  |
| <input checked="" type="checkbox"/> JP Japan                                 | <input checked="" type="checkbox"/> UZ Uzbekistan                                |
| <input checked="" type="checkbox"/> KE Kenya                                 | <input checked="" type="checkbox"/> VN Viet Nam                                  |
| <input checked="" type="checkbox"/> KG Kyrgyzstan                            | <input checked="" type="checkbox"/> YU Yugoslavia                                |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> ZA South Africa                              |
| <input checked="" type="checkbox"/> KR Republic of Korea                     | <input checked="" type="checkbox"/> ZW Zimbabwe                                  |
| <input checked="" type="checkbox"/> KZ Kazakhstan                            |  |
| <input checked="" type="checkbox"/> LC Saint Lucia                           |  |
| <input checked="" type="checkbox"/> LK Sri Lanka                             |  |

Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet:

- . . . . .  
 . . . . .

**Precautionary Designation Statement** In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation (including fees) must reach the receiving Office within the 15-month time limit.)

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box.		
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country	regional application: regional Office	international application: receiving Office
item (1) 24 MAR 1999 (24.03.1999)	99200914.2	EUROPE EP		
item (2)				
item (3)				

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present International application is the receiving Office) identified above as item(s): 1

\* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

#### Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA): Request to use results of earlier search; reference to that search (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA / EP

Date (day/month/year)

Number

Country (or regional Office)

#### Box No. VIII CHECK LIST; LANGUAGE OF FILING

This international application contains the following number of sheets

request	: 4
description (excluding sequence listing part)	: 14
claims	: 1
abstract	: 1
drawings	: none
sequence listing part of description	: none
Total number of sheets	20

This international application is accompanied by the item(s) marked below:

- fee calculation sheet
- separate signed power of attorney
- copy of general power of attorney; reference number, if any: PG 30686
- statement explaining lack of signature
- priority document(s) identified in Box No. VI as item(s):
- translation of international application into (language):
- separate indications concerning deposited microorganism or other biological material
- nucleotide and/or amino acid sequence listing in computer readable form
- other (specify):

Figure of the drawings which should accompany the abstract: none

Language of filing of the international application: English

#### Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

February 24, 2000

Claude-Alain WAVRE (PG 30686)

For receiving Office use only		
1. Date of actual receipt of the purported international application:	(28.02.2000)	28 FEB 2000
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid.	2. Drawings:  <input type="checkbox"/> received:  <input type="checkbox"/> not received:

#### For International Bureau use only

Date of receipt of the record copy  
by the International Bureau: